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December 16, 1997

F. Andrew Turley
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4686 - Eric Vitaliano and Friends of Eric Vitaliano,
Judith Bello as Treasurer

Dear Mr. Turley:

This is the response of Eric Vitaliano and Friends of Eric Vitaliano, Judith Bello as Treasurer and Michael Cusick, Assistant Treasurer-Custodian of Records (referred to collectively as "Respondents"), to the complaint filed by the National Republican Congressional Campaign committee alleging violations of the Federal Election Campaign Act. This complaint has no merit with respect to the Respondents and should be dismissed.

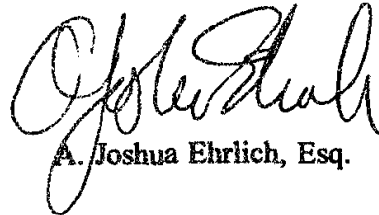
The complaint alleges that the New York AFL-CIO made prohibited in-kind contributions to Respondents in connection with the recent special election for the House of Representatives in the 13th District of New York. Specifically, the complaint points to materials posted on the Internet and to certain mailings made in connection with the election. The NRCC insinuates, without presenting any supporting evidence whatsoever, that these activities involved the Vitaliano campaign.

The reason the NRCC cannot present evidence is quite simple: there is and was none. As the enclosed sworn affidavits from Michael Cusick and Judith Bello of the campaign state clearly, Respondents had no knowledge of these activities undertaken by the New York AFL-CIO. The campaign did not discuss these activities with the union, did not participate in the planning, preparation, targeting or dissemination of any of the materials or information cited by the complaint. Respondents did not control or coordinate in any way these activities undertaken by the New York AFL-CIO.

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Respondents cannot be held responsible for the activities of other parties in this election, where Respondents had no knowledge of the activities. Since they were not involved with the New York AFL-CIO in any respect of the preparation or dissemination of this information or materials, Respondents could not prevent the activities from taking place. The FEC should dismiss this matter as it pertains to the Respondents.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. Joshua Ehrlich".

A. Joshua Ehrlich, Esq.

99-04-391-0933

BEFORE THE FEDERAL ELECTION COMMITTEE

MUR 4686

AFFIDAVIT OF JUDITH BELLO

I, Judith Bello, hereby state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter I would testify as set forth herein.

2. I was the Treasurer for Friends of Eric Vitaliano during the special election for the House of Representatives for the 13th Congressional District of New York.

3. I had no knowledge of the activities undertaken by the New York AFL-CIO. I was unaware that they had placed information regarding the Vitaliano campaign on their Internet web site and heard about their mailings only after the mailings had been completed.

4. I have no personal knowledge of any discussions between the union and the campaign in the planning, targeting or dissemination of any of the mailings or information cited in the complaint filed against the campaign.

5. I have no personal knowledge of the campaign coordinating any activities with the New York AFL-CIO.

Pursuant to 28 U.S.C. section 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of December, 1997.


JUDITH BELLO

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